

In a General Election the electorate votes on a constituency basis for a candidate to represent it as its Member of Parliament in the House of Commons. By its votes the electorate in the country as a whole elects a House of Commons. It does not elect a Government; it does not elect a Prime Minister; it does not elect individual Minister.

The Sovereign then has the duty of finding a Prime Minister who can form a Government which commands a majority in the House of Commons. The leader of the party returning the largest number of Members at a General Election will normally be appointed Prime Minister and invited by the Sovereign to form a Government. Provided that the Government retains the confidence of the House of Commons and can command a majority in the House, the question of the Government resigning, of Parliament being dissolved and a General Election resulting, does not arise unless the Prime Minister recommends a dissolution to the Sovereign.

If a Prime Minister died or offered a personal resignation, the Sovereign would wait until a new leader had been chosen by the Party and invite him or her to form a Government. A change of Prime Minister during the course of a Parliament does not curtail a Government's right to govern or call its electoral legitimacy into question. It did not do so when Mr Macmillan succeeded Sir Anthony Eden, when Lord Home succeeded Mr Macmillan, or when Mr Callaghan succeeded Mr Wilson. This is commonsense especially when as now the governing party has a large overall majority in the House of Commons. It would be a nonsense to identify a Government and its right to govern solely with the person who led it at the time of the previous General Election. To do so would mean that the death in office of a Prime Minister or resignation on health grounds automatically precipitated a General Election.

It would of course be open to the Opposition to table a motion of "no confidence" in the Government following such a change and the Government would stand or fall by the result.

PERSONAL

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MR TURNBULL

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c Mr Dilling

You asked for a note responding to the argument that a change of Prime Minister should be ratified immediately by a --- General Election. A draft is attached, which has been approved by Sir Robin Butler.

*Sonia Phippard*

MISS S C PHIPPARD

20 November 1990

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